

LOUIS J. BOLAND

IBLA 77-84

Decided May 27, 1977

Appeal from decision of the New Mexico State Office, Bureau of Land Management, rejecting oil and gas lease offer NM 28487.

Set aside and remanded.

1. Oil and Gas Leases: Applications: Drawings

In the absence of any irregularity connected with an offer, an oil and gas lease may be issued to an applicant who has stated that he personally stamped the drawing entry card with his facsimile signature.

APPEARANCES: W. DeVier Pierson, Esq., and Frank A. Benevento II, Esq., Pierson, Semmes, Crolus and Finley, Washington, D.C., for appellant.

OPINION BY ADMINISTRATIVE JUDGE THOMPSON

Louis J. Boland has appealed from the November 19, 1976, decision of the New Mexico State Office, Bureau of Land Management, rejecting his application for oil and gas lease NM 28487 for the stated reason that the facsimile signature on the drawing entry card did not appear to be the same as the name typed on the reverse side of the card. 1/

In a decision dated September 28, 1976, the State Office required appellant to submit additional information because the card had been signed with a rubber stamp. Appellant submitted an affidavit stating that he intended the stamp to constitute his signature and that he personally placed the facsimile signature on the drawing entry card. In its November 19 decision rejecting the offer, the State Office noted that the signature on the affidavit appeared to be in different handwriting from the facsimile signature.

1/ An offer is properly rejected when there is no identification of the offeror except an illegible signature from which it is impossible to identify the offeror. See, e.g., William D. Sexton, 9 IBLA 316 (1973); James D. Johnson, 8 IBLA 348 (1972). The instant case poses no question as to the identify of the offeror.

Boland's notice of appeal was in the form of an affidavit in which he reiterated his statement that he stamped his signature on the card. Another affidavit by Boland has been submitted with a supplemental statement of reasons to establish that he executed the card and signed the previous affidavits.

[1] Mary I. Arata, 4 IBLA 201 (1971), established that a lease may be properly issued to an applicant who provides a statement that he personally stamped his drawing entry card with a facsimile signature in the absence of any information in the record indicating an irregularity in connection with the offer. See, generally, Robert C. Leary, 27 IBLA 296 (1976). We remand this case to the State Office for consideration of the affidavits submitted on appeal. If the State Office believes that some impropriety is involved in appellant's offer, then the matter should be referred to the appropriate channels for investigation. Otherwise, a lease should be issued, all else being regular.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is set aside and the case remanded for further action consistent with this decision.

Joan B. Thompson
Administrative Judge

We concur:

Douglas E. Henriques
Administrative Judge

Martin Ritvo
Administrative Judge

